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2d Session

SENATE

REPORT
101-282

CONVEYING CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS IN JOSEPHINE COUNTY, OREGON, TO THE ROGUE COMMUNITY COLLEGE DISTRICT, AND FOR OTHER PURPOSES

MAY 8 (legislative day, APRIL 13), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1738]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1738) to convey certain Oregon and California Railroad Grant Lands in Josephine County, Oregon, to the Rogue Community College District, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, strike line 3 in its entirety and insert in lieu thereof, "Township 36 South, Range 6 West, W.M., Section 27, S.W. ¼, N.E. ¼."
2. On page 2, line 7, strike "(1)" and insert in lieu thereof, "(a)".
3. On page 2, line 10, strike "(2)" and insert in lieu thereof, "(b)".
4. On page 2, line 15, strike "(3)" and insert in lieu thereof, "(c)".
5. On page 2, line 21, strike "(4)" and insert in lieu thereof, "(d)".
6. On page 3, line 4, strike section 3 in its entirety.

PURPOSE OF THE MEASURE

The purpose of S. 1738 is to direct the Secretary of the Interior to convey 40 acres of land to the Rogue Community College District in Josephine County, Oregon.

BACKGROUND AND NEED

Rogue Community College was established in Josephine County, Oregon in 1970. The school's campus is situated on 40 acres of Oregon and California Railroad Grant lands, which are administered by the Bureau of Land Management. Prior to the establishment of the college, the land was the site of a Job Corps Camp. In

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1971, the college acquired the 36 camp buildings from the federal government at no cost. Concurrent with the conveyance of the buildings, BLM leased the underlying land to the college for a 10-year period for a lump sum payment of $100. In 1981, BLM renewed the lease for 25 years at a cost of $50 per 5-year period.

When the college renewed the lease in 1981, it attempted to acquire title to the site. The Recreation and Public Purposes Act (R&PP) provides for the conveyance of certain public lands to a State or political subdivision of a State. With respect to Oregon and California Land Grant lands, however, the R&PP Act permits the federal government to lease, but not sell, such lands.

S. 1738 directs the Secretary of the Interior to convey the 40-acre parcel to the Rogue Community College District at no cost, with a provision that the land will revert back to the United States should it ever cease to be used for educational purposes.

LEGISLATIVE HISTORY

S. 1738 was introduced by Senators Hatfield and Packwood on October 6, 1989. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 1738 on March 6, 1990.

At the business meeting on April 25, 1990, the Senate Committee on Energy and Natural Resources ordered S. 1738, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on April 25, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1738, if amended as described herein.

The roll call vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad*	
Mr. Heflin*	
Mr. Rockefeller*	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn	
Mr. McConnell	

*Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 1738, the Committee adopted six amendments. Amendment 1 corrects the legal description of the 40 acre parcel to be conveyed to the Community College District. Amendments 2, 3, 4 and 5 are technical amendments, correcting the designation of the subsections within section 2. Amendment 6 deletes section 3 in its entirety, to make the land conveyance more consistent with the conveyance procedures in the Recreation and Public Purposes Act.

SECTION-BY-SECTION ANALYSIS

Section 1 deals with the conveyance of land from the Bureau of Land Management to the Rogue Community College. Subsection (a) directs the Secretary of the Interior to convey, without consideration, all right, title and interest to the land described in subsection (b) to the Rogue Community College District in Josephine County, Oregon. Subsection (b) describes the specific land to be conveyed.

Section 2 sets forth several limitations on the land conveyance. Subsection (a) states that the conveyance shall be subject to any existing encumbrances on the land. Subsection (b) provides that the United States reserves all mining and mineral rights to the land. Subsection (c) reserves a right-of-way for ditches and canals constructed by the authority of the United States. Finally, subsection (d) provides that if the land ceases to be used for educational purposes, it shall revert to the United States to be managed again as Oregon and California Railroad Land Grant lands.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 1, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1738, a bill to convey certain Oregon and California Railroad Grant Lands in Josephine County, Oregon, to the Rogue Community College District, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, April 25, 1990.

S. 1738 would direct the Secretary of the Interior to convey approximately 40 acres of land to the district. Existing encumbrances would remain in force and all mineral rights would be retained by the federal government. The land would revert to federal ownership if it ceases to be used for educational purposes.

Based on information from the Department of the Interior, CBO estimates that enactment of S. 1738 would not result in significant additional costs to the federal government and would not affect the budgets of state and local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1738. The bill is not a regulatory measure in the sense of imposing government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1738, as reported.

EXECUTIVE COMMUNICATIONS

On January 18, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of Interior and the Office of Management and Budget setting forth executive views on S. 1738. These reports had not been received at the time the report on S. 1738 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Land Management at the Subcommittee hearing on S. 1738 follows:

> STATEMENT OF DEAN STEPANEK, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 1738, A BILL "TO CONVEY CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS IN JOSEPHINE COUNTY, OREGON, TO THE ROGUE COMMUNITY COLLEGE DISTRICT, AND FOR OTHER PURPOSES."
>
> Good morning. I am pleased to be here today to give you the Department's views on S. 1738.
>
> S. 1738 directs the Secretary of the Interior to convey, without payment, all right, title, and interest of the United States in certain described lands in Josephine County, Oregon, to the Rogue Community College District (District). Section 2 requires that the conveyance be made subject to:
>
> any encumbrances on the land on the date of enactment of the legislation;
>
> the reservation of all minerals to the United States, together with the right to mine and remove the mineral and geothermal resources;

the reservation of a right-of-way for ditches or canals found in the first section of the Act of August 30, 1890, found at 43 U.S.C. 945; and

a reversionary interest in the lands by the United States if the land ceases to be used for recreational purposes. In that event the lands would be managed as Oregon and California Railroad grant (O&C) lands.

Under Section 3, if the land reverted to the United States, the District could acquire it, within two years of the reverter. The acquisition would be by quitclaim deed upon application to the Secretary and payment of the fair market value of the land and improvements.

We have no objection to enactment of S. 1738 if amended as we recommend.

The lands in question, about 40 acres, are currently occupied by a number of buildings that belong to the Rogue Community College. The improvements on the lands were constructed in conjunction with the Fort Vannoy Job Corps Center. The buildings were "surplused" to the General Services Administration by the Bureau of Land Management (BLM) after the Camp closed in 1968 and were subsequently transferred to the Department of Health, Education and Welfare. They were then acquired without cost by the Rogue Community College from Health, Education and Welfare in 1971. At that time the BLM leased the land to the College under the Recreation and Public Purposes Act for a 10-year period. That Act permits lease, but not sale of O&C lands.

During the ten-year lease term various avenues were explored to achieve conveyance of the lands to the College for educational purposes. However, no suitable authority was found and the lease was renewed.

While the primary use of O&C lands is timber management, this tract has been certified by the BLM as incapable of reforestation and its transfer to the College, which already owns the improvements, would be appropriate. However, we believe the authority to convey the property should reflect the congressional and departmental policies expressed in the Recreation and Public Purposes Act, which would be applicable, but for the O&C status of the lands. Under that Act, sales can be made at "a price to be fixed by the Secretary of the Interior, through appraisal or otherwise, after taking into consideration the purpose for which the lands are to be used".

In summary, except for authority to sell O&C lands, the Recreation and Public Purposes Act has essentially the provisions that are incorporated in sections 1 and 2 of S. 1738.

Therefore, we suggest that S. 1738 be amended to allow the tract in question to be conveyed under the Recreation and Public Purposes Act. We will be happy to offer amended language.

We also point out that the land description in subsection (b) of the first section should be amended to specify the aliquot part and should read:

"Township 36 South, Range 6 West, W.M., Section 27, SW¼NE¼."

This concludes my statement. I will be pleased to answer questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1738, as reported.

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